

Panaji, 28th July, 1988 (Sravana 6, 1910)

SERIES II No. 17

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

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#### Department of Personnel

Order

No. 3/28/87-PER

Sanction is hereby accorded to create a temporary post of "Officer on Special Duty", in the office of the Resident Commissioner to Government of Goa at New Delhi, in the pay scale of Rs. 3200-100-3700-125-4700 for the period from 27-5-88 to 30-9-1988.

Government is also pleased to modify the order No. 3/13/85-PER (Vol. IV) dated 17-2-1988 to the extent that Shri Ashok Bakshi, IAS shall draw his salary with effect from 27-5-88 against the above post of Officer on Special Duty.

Expenditure on this account will be met from the Budget Head "02 Goa Government Guest House, New Delhi (Non-Plan) 01 Salaries".

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 12th July, 1988.

Order

No. 6/2/81-PER (Vol. IV)

Sanction is hereby accorded for creation of four temporary posts of Additional Dy. Collector in the pay scale of Rs. 2000-60-2300-EB-75-3200-100-3500 for a period of one year with effect from 1st May, 1988.

2. The expenditure on this account shall be met from the Budget Head "2053 — District Administration, 093 District Establishments 01 Civil Administration".

By order and in the name of the Governor of Goa.

Smt. Prabha Chandran, Under Secretary (Personnel).

Panaji, 15th July, 1988.

#### Education Department

Order

No. 16-5-88-EDN/4367

On the recommendation of the Union Public Service Commission Dr. R. Nagendran is hereby temporarily appointed as Assistant Professor in Environmental Science in Goa College of Engineering Farmagudi with effect from 4th July, 1988 (FN) in the pay scale of Rs. 3000-5000 plus usual allowances

admissible from time to time. His initial pay will be fixed at Rs. 3000/- per month.

The appointment is temporary and subject to the conditions specified in the offer of appointment vide Memorandum No. 16-5-88-EDN/1760 dated 16th March, 1988.

The appointment is further subject to the condition that in case anything adverse is brought to the notice on verification of his character and antecedents, his services will be terminated.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Education).

Panaji, 15th July, 1988.

Order

No. 14-3-88/EDN/III

Kum. Halima. Sadia is hereby temporarily appointed on Ad hoc basis as lecturer in Economics, in Government Art, Science & Commerce College Sanquelim under the Directorate of Education, Panaji with effect from 20-6-1988 (BN) in the scale of Rs. 2200-4000 plus the usual allowances admissible from time to time with the initial pay of Rs. 2200/- p.m.

The appointment is subject to the condition specified in the office Memorandum No. 14-3-88/III dated 15-6-1988 and the Rules Regulation laid down by the Government from time to time.

The appointment is purely on ad hoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to the higher post and seniority and will be liable to be terminated by one month's notice or with payment of one month salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify her from holding a post under Government.

By order and in the name of the Governor of Goa.

D. N. Accawade, Under Secretary (Education).

Panaji, 18th July, 1988.

Order

No. 14-3-88-EDN/V

Shri P. N. Thomas is hereby temporarily appointed on Ad hoc basis as lecturer in Botany, in Government Art, Science & Commerce College, Sanquelim under Directorate of Education, Panaji with effect from 20-6-1988 (B.N.) in the scale of Rs. 2200-4000 plus the usual allowances admissible from time to time with initial pay of Rs. 2200/- p.m.

The appointment is subject to the condition specified in the office Memorandum No. 14-3-88-EDN/V dated 15-6-1988 and the Rules Regulation laid down by the Government from time to time.

The appointment is purely on ad hoc basis and it will not bestow on the appointee any claim for regular appointment, promotion to the higher post and seniority and will be liable to be terminated by one month's notice or with payment of one month's salary in lieu of notice.

The appointment is liable for termination in case the character and antecedents of the appointee are adverse so as to disqualify him from holding a post under Government.

By order and in the name of the Governor of Goa.

*D. N. Accavade*, Under Secretary (Education).

Panaji, 18th July, 1988.

### Department of Cooperation

#### Order

No. 10-51-82-COOP-LAWD

On recommendation of the Departmental Promotion Committee Shri V. R. Ghaisas, Sr. Auditor/Inspector/Special Recovery Officer in the office of the Registrar of Cooperative Societies, Panaji who is presently working as Managing Director to the Pedne Taluka Farmer's Cooperative Society on deputation basis (this deputation period is upto 26-1-89) is hereby promoted on officiating basis against the post of Cooperative Officer/Special Auditor Group 'B' Non-Gazetted in the pay scale of Rs. 1640-2900. He is allowed to continue on deputation with the Society till his present term expires.

By order and in the name of the Governor of Goa.

*A. P. Panvelkar*, Under Secretary (Cooperation).

Panaji, 18th July, 1988.

### Social Welfare Department

#### Notification

No. 6-6-87-SWD (Part)

In exercise of the powers conferred by sub-section (1) of section 9 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) (hereinafter called the 'said Act'), the Government of Goa hereby establishes in the premises of the Bal Niketan and Balika Niketan, Ribandar, as juvenile homes for the purposes of the said Act.

By order and in the name of the Governor of Goa.

*P. W. Rane Sardesai*, Under Secretary to the Govt. of Goa, Social Welfare.

Panaji, 13th July, 1988.

#### Notification

No. 6-6-87-SWD (Part)

In exercise of the powers conferred by sub-section (1) of section 10 of the Juvenile Justice Act, 1986 (Central Act 53 of 1986) (hereinafter called the 'said Act'), the Government of Goa hereby establishes in the premises of the Bal Niketan and Balika Niketan, Ribandar, as special homes for the purposes of the said Act.

By order and in the name of the Governor of Goa.

*P. W. Rane Sardesai*, Under Secretary to the Govt. of Goa, Social Welfare.

Panaji, 13th July, 1988.

### Revenue Department

#### Order

No. 22/68/88-RD

Whereas it appears to the Government that the temporary occupation and use of land situated at Colvale and more particularly described in the Schedule hereunder (hereinafter called the "said land"), is needed for public purpose namely for construction of approach road to steel pile bridge at Colvale for a period of three years.

Now, therefore, Government appoints the Special Land Acquisition Officer (A.I.P.) Duler, Mapusa, as the Collector to perform the functions of the Collector under the Land Acquisition Act, 1894 and directs him under section 35 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), to procure the occupation and use of the said land for a period of three years from the commencement of such occupation.

#### SCHEDULE

(Description of the said land)

Taluka: Pernem

Village: Dhargal

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
17/2	1. Francis Anthony Castellino. 2. John Enstela C. Castellino. 3. Agnelo Castellino. 4. Niel Castellino. 5. Fransva Castellino.	235.00
	North: S. No. 17/1. South: River Shapora, East: S. No. 17/2. West: S. No. 17/2.	
	Total .....	235.00

By order and in the name of the Governor of Goa.

*P. S. Nadkarni*, Under Secretary (Revenue).

Panaji, 27th June, 1988.

#### Notification

No. 22/127/87-RD

Whereas by Government Notification No. 22/127/87-RD dated 23-11-87 published on page 469-471 of Series II, No. 37 of the Official Gazette dated 10-12-87 and in two newspapers (i) Gomantak dated 1-12-87 and (ii) Navhind Times dated 8-1-88, it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for public purpose, viz. Land Acquisition for Drilling of Tube Well at Parxem Valdangar in Pernem Taluka.

And whereas, the Government being of the opinion that the acquisition of the said land is urgently necessary, hereby applies the provisions of sub-section (1) and sub-section (4) of section 17 of the said Act and directs that the Collector appointed under paragraph 2 below, shall, at any time, on the expiration of fifteen days from the date of the publication of the notice relating to the said land under sub-section (1) of section 9 of the said Act, take possession of the said land.

Now, therefore, the Government hereby declares under the provisions of section 6 of the said Act, that the said land is required for the public purpose specified above.

2. The Government also hereby appoints under clause (c) of Section 3 of the said Act, the Deputy Collector (Sub-Divisional Officer), Mapusa to perform the functions of the Collector, North Goa District, Panaji, for all proceedings hereinafter to be taken in respect of the said land and directs

him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Deputy Collector (Sub Divisional Officer), Mapusa, till the award is made under section 11.

#### SCHEDULE

(Description of the said land)

Taluka: Pernem

Village: Parcem

Survey No. Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
58/7 part	1. Shri Atmaram Gopal Prabhu Dessai. 2. Krishna G. Gopal Prabhu Dessai. 3. Vishnu Gopal Prabhu Dessai. 4. Raghunath Gopal Prabhu Dessai. 5. Sagun Hari Prabhu Dessai. 6. Shivaji Govind Prabhu Dessai. 7. Shantaram Balkrishna Prabhu Dessai. 8. Sadhanath Laximan Prabhu Dessai. 9. Keshav Shreeram Prabhu Dessai. 10. Shripath Rajaram Prabhu Dessai. 11. Narayan Ladkoba Prabhu Dessai. 12. Krishnaji Keshav Prabhu Dessai. 13. Ramchandra R. Prabhu Dessai. 14. Purshottam R. Prabhu Dessai. 15. Mudusudan J. Prabhu Dessai. T: Shitaram M. Salgaonkar.  North: S. No. 58/7. South: S. No. 58/12. East: S. No. 58/7. West: S. No. 58/8.	82.00
Total .....		82.00

By order and in the name of the Governor of Goa.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 20th July, 1988.

#### Public Health Department

Order

No. 8/12/87.II/PHD

WHEREAS Dr. B. M. S. Bedi, Professor of Skin & V. D. in the Goa Medical College (a C.H.S. Officer) was on deputation to the then Union Territory with effect from 25-11-1981.

2. AND WHEREAS Dr. Bedi continues to serve in this State;

3. NOW THEREFORE, in the public interest, Government is pleased to allow Dr. Bedi to continue on deputation in the post held by him for a period exceeding four years from the date of his deputation till such time the Government of India issues his repatriation order and is relieved by this Government.

4. This issues with the approval of Finance Department vide their u.o. No. 2765 dated 21-6-1988.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

Panaji, 14th July, 1988.

#### Department of Labour

Order

No. 28/2/88-ILD

The following Award given by the Industrial Tribunal, Goa Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 29th January, 1988.

#### IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA AT PANAJI

(Before Shri S. V. Nevagi, Hon'ble Presiding Officer)

Reference No. IT/52/78

Shri Yeshwant Shiva Parab — Workman/Party I

V/s

M/s. Simca Cashew Factory — Employer/Party II

Workman/Party I represented by Adv. A. Nigalye.

Employer/Party II represented by Shri L. R. Ferrao, Labour Consultant.

Panaji, Dated: 13-1-1988

#### AWARD

The Government of Goa, by its Order No. IRM/CON/(84)/78/IT-33/78 dated 10th August, 1978, has referred for the adjudication by this Tribunal of an industrial dispute between the above parties. The schedule attached to the order of reference reads as follows:

"Whether the action of the management of M/s. Simca Cashew Factory, Savoi Verem (Goa) in terminating the services of Shri Yeshwant Shiva Porobo, Paniwala, w.e.f. 8-3-1978 is legal and justified?

If the answer be in the negative, to what relief if any, is the aforementioned workman entitled to?"

2. The case of the workman, as per his statement of claim, is, in short, that he was in the employment of the Employer/Party II for more than 3 years prior to the termination of his services. As the Management, taking advantage that the majority of the workers were female and illiterate, was exploiting them, the workman with the help of his colleagues formed a Union named Simca Cashew Factory Workers Union, which was duly registered and the workman was elected its President; the employer was intimated of the formation of the Union and the list of the office bearers of the Union was also sent to the employer by registered post. Soon after, a Charter of Demands was submitted to the employer with a request to consider and solve the long pending problems of the workers; the Management, however, refused to entertain the same and started harassing the office bearers of the Union in order to withdraw their demands. Dissatisfied with the employer's attitude, the Union raised a dispute, before the Labour Commissioner, Panaji-Goa.

3. While the proceedings before the Labour Commissioner was pending consideration and while the process of conciliation was in progress so as the charter of demands of the workers of M/s. Simca Cashew Factory was concerned the Company issued a show cause notice to the workman wherein certain charges such as absenteeism and in-subordination were levelled against him. The present workman who was Chairman of the Union was supposed to fight the case against the Company in the domestic enquiry which the Cashew factory had conducted against him after issuance of the show cause notice. The Party No. I/Workman namely Shri Yeshwant Shiva Parab, hereinafter referred to as Parab had given a reply to the show cause notice and in due course the domestic enquiry was held and conducted against Shri Parab. In the domestic enquiry conducted against Parab which

according to Parab was behind his back, the charges levelled against him were held to be proved by the Enquiry Officer, Shri L. R. Ferrao who held the enquiry at Velho Building, Panaji. At the time of enquiry 3 witnesses namely Shri Sawant, Narvenkar and Mahale were examined and it appears that the proceedings of the enquiry were in English while Parab who has studied up to 4th standard vernacular, knew Konkani Language only and does not know English. According to the workman Parab, he was not allowed to take the help of an assistant because the Company insisted that the assistant helping him in the enquiry should be an employee at the Cashew Factory. According to the workman, Parab, the next friend whom he was to ask for helping him in the enquiry was refused leave by the Cashew Company on the day of enquiry and as such, he was alone called upon to face the enquiry, the result of which went against him, the charges levelled against were held to be proved against him and in the end his services were terminated. This is how the parallel proceeding of the domestic enquiry against the workman/Parab was going on while the matter of charter of demands was going on before the Labour Commissioner wherein the Union was concerned and incidentally the Party No. I/Parab was the Chairman of the Union. It therefore appears that the workman/Parab had to attend to two different proceedings one before the Labour Commissioner and another before the Enquiry Officer, Shri Ferrao.

4. About the two parallel proceedings, conciliation proceedings before the Labour Commissioner ended in a compromise and most of the demands made by the Union in the charter of demands were accepted by the Cashew Company. It has to be noted that the Cashew Company had about 150 workers on its roll and the workman, Parab was working as a Paniwala in the Cashew Factory and his job was that of sprinkling water on the raw cashews before they were taken for roasting. The workman has admitted in his statement of claim dated 20th November, 1978 at page — 2 — that he was the Chairman of the Union and as the charter of demands were not accepted by the Cashew Factory the workmen under his leadership started a strike from 17th August 1978. The strike was going on between 17-8-78 to 8-2-79 and at times some of the workers had become violent and on account of the violence the management closed down the factory as laid down under Section 25FF Industrial Disputes Act. In the conciliation proceedings before the Labour Commissioner memorandum of settlement was signed under section 12(3) of the Act and under the settlement all the 150 workers were paid their dues in full and final settlement of their claim against the Cashew Factory. In view of the full and final settlement of claim, the closure of the factory with effect from 9-2-79 was endorsed by the Union and consequently the Cashew Factory stopped functioning. It now appears that the premises and implements of the Cashew Factory are taken over by some other management and some other work such as preparation of soap etc., is going on in the factory premises and so far as this aspect is concerned, we are not directly concerned with the position.

5. Adverting then to the other proceeding namely the domestic enquiry, the Enquiry Officer, Shri Ferrao held the charges of absenteeism and insubordination as duly and properly proved against the workman, Parab. The Enquiry Officer did record a finding that the charges were proved against the workman and recommended his termination from service. The report of recommendation was accepted by the management and the services of workman Parab stood terminated. As the workman, Parab did not like this order passed against him, he approached the Government with a grievance and the Government by the reference as stated in the foregoing paragraphs referred the issue No. I to this Tribunal namely whether the management of M/s. Simca Cashew Factory was justified in terminating the services of Shri Parab Paniwala w.e.f. 8-3-78 and whether this order is legal and justified. After the parties were served with the notices and after the registration of the reference, the parties have filed their statements. The written statement of the Cashew Factory signed by one A. A. Narvekar is dated 12th January 1979 while that of the workman which is a counter statement is dated 23rd March, 1979.

6. The statement and the counter statement are in terms of the pleadings which are reproduced in the foregoing paragraphs. During the course of the enquiry besides the main issue proposed by the Government regarding the action of termination of the services of the workman Shri Parab being justified and legal, my Predecessor Shri J. C. Coelho framed one more issue namely the preliminary issue reading thus:

#### Prel. ISSUE

Does the Workman/Party I prove that the enquiry is not proper and against the principles of natural justice?

7. In this regard it has to be noted pertinently that the matter was heard so far as this preliminary issue was concerned and the statement of Vaman Bhiva Amonkar was recorded on 17-7-1980, that of Chandrakant Kavlekar on 17-7-80, Dina S. Gaunekar on 17-7-80, Vishwanata H. Wadkar on 9-7-80, that of Shanu Krishna Ghade on 18-4-83, that of Atmaram Tari on 18-4-83 also of Vaman Mahadeo Samant on 13-9-82 and that of Party No. I/Shri Parab S. Yeshwant who was extensively cross examined was recorded on 7-7-1980.

8. After the evidence on the preliminary issue was recorded my Predecessor went on recording his finding on issue No. I only because that issue was treated as preliminary issue. The finding recorded by my Predecessor went in favour of the workman and my Predecessor held that the domestic enquiry conducted by the employer against the workman is not fair and proper. In view of this finding recorded by my Predecessor it is clear that the question of the termination of the workman Parab from service being legal and justified is very much open for consideration and I have to record a finding of this issue because that is the main issue in the reference made by the Government.

9. While this was the position obtaining in the case Shri Ferrao for the Party No. II/Employer did concede before me that workman Parab whose services were terminated at the end of the domestic enquiry is entitled to the benefits of the settlement signed by the Union under Section 12(3) of the Industrial Disputes Act. Placing strong reliance on the provisions of the settlement benefits of which were derived by the remaining 150 workers, Shri Ferrao did submit before me that the Cashew factory in the event of the settlement had called upon the workman, Parab to collect his dues under the settlement which work out to around Rs. 2,000/- or so. According to him the Party No. I did not come to the Company to collect the dues and any how since the settlement of 1979 the proceedings before the Tribunal were dragged on and the main issue namely regarding legality of the termination of services having been conceded by the management the question which remains for consideration is about the dues of the Party No. I/Workman under the settlement and whether the Party No. I is entitled to any damages consequent upon the illegal termination of his services. According to Shri Nigalye for the workman/Party No. I the workman is jobless for all these years and the termination of services have had a sort of a stigma on his career because he was charged not only with absenteeism but he was charged for acts of in-subordination. As the main issue does not remain for consideration the submissions were made before me at the bar regarding the amount of dues and compensation to be paid to the workman, Parab and I shall discuss the position in the next para. to see what decision is to be given on this point only.

10. Shri Ferrao for the Cashew Factory did submit before me that the closure of the Cashew Factory with effect from 9-2-79 is endorsed in view of the settlement of the charter of demands on behalf of the Union and there is no question of the factory being in a working condition and consequently there is no question of the Party No. I/Workman being reinstated into the services of the Simca Cashew Factory which is a non-existing concern. It is a common ground that Simca Cashew Factory is not existing since 9-2-1979 and so the question is whether the workman can claim to be reinstated in such a non-existing concern.

11. In this regard Shri Ferrao for the Factory did place reliance on a Bombay Ruling delivered by Justice Gokhale reported in 1965 LCJ page 458, Bombay in the case of Maharashtra State Electricity Board V/s Industrial Tribunal etc. In that case the relevant observation read thus:

"When the licence of the Electric Supply Company was cancelled the property and the assets of the Electric Supply Company were sold to the State Electricity Board. Consequent upon the cancellation of its licence the Electric Supply Co. discharged the employees from service and paid or offer to pay them their legitimate dues. After the Electric Supply Company stopped functioning, the employees approached the Government and the dispute came up before the Industrial Tribunal. In the proceedings before it the Tribunal held that whatever may be the position regarding the cancellation of the licence the workmen very much remained in the

services of the Electric Supply Company and directed the reinstatement of the employees into the services of M.S.E.B. which had taken over the property and assets of the erstwhile Electric Company. In other words the employees of the Electric Supply Company which was no more existing were directed to be absorbed into the services of M.S.E.B. which was a newly and duly constituted. This order of the Tribunal was not to the liking of the Maharashtra State Electricity Board which took the matter to the High Court and the High Court held that the order of Tribunal was wrong and invalid and direction was improper because the transfer of the assets of the Electric Supply Company to the M.S.E.B. was not a benami or a fictitious transfer of business".

The point in short is very clear namely that the concern in which the workman were working non-existent there cannot be any question of directing the reinstatement into the services of a non-existing Company.

12. This being the position submissions were made before me about the dues to be paid to the workman consequent upon the settlement which took place before the Labour Commissioner in April, May, 1979. There is no record regarding the settlement before the Labour Commissioner. Efforts were made to get a copy of the settlement from the office of Labour Commissioner. Shri Ferrao for Party No. II has offered to produce the copy of the settlement from the office of the Union of which the Party No. I is the Chairman.

13. The offer to produce the copy of the settlement was aimed at establishing that Party No. I who was the Chairman of the Union had a knowledge of the settlement even though he was not in active service of the Cashew Factory. In this regard Shri Nigalye for Part I did submit before me that the settlement was done when the Party I was no more in service and as such he is not bound by the terms of the settlement. Here, there is no question of Party No. I being bound by the terms of the settlement, but the main question for consideration is about the effect of the settlement in as much as the Cashew Factory of which Party No. I was an employee is no more in existence, admitted by. With this position obtaining in this case, I have now to see what relief if any is Party No. I is entitled to in this case. Be it noted here pertinently that the main relief for reinstatement cannot be granted to Party No. I as the Unit exists no more and the main issue for consideration was whether the termination of the service of Party No. I at the end of the domestic enquiry was just and proper in the circumstances of the case. Shri A. Nigalye for Party No. I had made a grievance that the insinuation against the workman/Party No. I that he has indulged in insubordination and absenteeism is a slur on his career. I feel that it is not so because the enquiry is held to be improper and consequently the order of dismissal from service is also held to be not tenable in law. This being the position there cannot be any question of there being any insinuation against Party No. I as the termination is held to be not legal and justified while answering issue no. 1.

14. All the same while considering the question of "relief to which the workman is entitled to", which is a corollary to the main issue the relief of reinstatement cannot be granted to him. It is to be noted here that the settlement took place in April—May '79 and the Tribunal has to take the position and situation obtaining at that time into consideration. The Party No. I was no more in service by virtue of the order of termination served against him at the end of the domestic enquiry. Hence his case could have not been taken into consideration along with the 150 workers. However on realising that the erstwhile workman is removed from service without any legal and just ground the employer offered to pay the compensation or dues to this workman also along with the remaining 150 employees.

Considering the position obtaining in April-May 1979, I feel that in the given circumstances there is no other option left than to order the payment of dues to Party No. I as the relief of reinstatement cannot be given to him. The position would have been different if the Cashew Factory was a going concern on this day. Rightly or wrongly and apparently for no fault of any body since the settlement of April-May, 1979 this matter came to be dragged on till 1988 and the position with which we are now confronted is that the removal from service of the employment is improper and at the same time relief of reinstatement cannot be given to him and consequently what relief could be given to him is fair and legitimate dues which are accrued to him. Shri Nigalye for the workman while elaborating on this point did submit before me that the workman is struggling for re-employment for a span of 9 years and the litigation was forced on him due to the domestic enquiry which is ultimately held to be unjust and improper. There is no doubt some force in this submission made on behalf of the workman. However, there is no direct provision under which the Tribunal can take the situation obtaining in this case in consideration to award any pecuniary compensation. However, I cannot ignore the fact that if the dues of Rs. 2000/- (Rupees two thousand only) were timely paid to the workman way back in 1979 he would have put the money to the best use. The value of Rs. 2000/- is increased considerably in these days of inflation and I have to also take into consideration that the workman had to arrange for his defence while he was no more in service of Party No. II. Shri Ferrao for Party No. II did concede to the position that something more than the legitimate dues of Rs. 2000/- may be paid to the workman and at the end of the submissions I take the over all position into consideration to award the monetary benefit to the workman. I feel that besides the admitted amount of Rs. 2000/- which is the legitimate amount of dues the workman should get Rs. 1000/- as additional emoluments and Rs. 200/- as costs of the litigation. Hence instead of awarding separate costs of litigation, I direct that the Party No. I do recover Rs. 3,200/- in lumpsum from Party No. II/Employer as dues of a workman who was to receive the same at the time of the settlement in April-May, 1979. I, therefore, answer issue No. 1 in the affirmative and hold that the management of M/s. Simca Cashew Factory, Savoi Verem (Goa) was wrong in terminating the services of Party No. I Shri Yeshwant Shiva Parobo, Paniwala and that the termination is not just and proper. While answering issue No. 1 accordingly and while considering the question of relief if any to be granted to the afore mentioned workman, I hold that he is entitled to an amount of Rs. 3,200/- (Rupees three thousand two hundred only) as gross emoluments by virtue of the settlement between the Union and the management arrived at in April-May, 1979. Hence I pass the following order:

#### ORDER

The action of the management in terminating the services of Shri Yeshwant Shiva Parobo, Paniwala w.e.f. 8-3-1978 is not legal and justified and he is deemed to be in service in April-May, 1979 when the settlement took place and by virtue of the settlement the Party No. II M/s. Simca Cashew Factory do pay an amount of Rs. 3,200/- (Rupees three thousand and two hundred only) to Party No. I/Workman Shri Yeshwant Shiva Parobo by way of relief. There shall be no separate order as to costs and the parties do bear their own costs.

S. V. Nevagi  
Presiding Officer  
Industrial Tribunal

Order

No. 28/6/88-ILD

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. The Madgaum Urban Cooperative Bank Limited, Margao, and the Madgaum Urban Cooperative Bank Limited Employees' Union in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter called the 'said Act'), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu at Panaji-Goa, constituted under section 7-A of the said Act.

#### SCHEDULE

"Whether the action of the management of M/s. the Madgaum Urban Cooperative Bank Limited, Margao, in terminating the services of the below mentioned workmen with effect from the date shown against their respective names is legal and justified?"

If not, to what relief the workmen are entitled?

Sr. No.	Name	Designation	Date of termination
1.	Shri Anthony Barreto	Clerk	14th July, 1987.
2.	Shri Abhay Karekar	Typist-cum-Clerk	8th July, 1987.
3.	Miss Iona Eremita Souza	Clerk	30th June, 1987.
4.	Mrs. Sabrina Pinheiro	Typist-cum-Clerk	30th June, 1987.

By order and in the name of the Governor of Goa.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 11th July, 1988.